

BUREAU OF ENVIRONMENT CONFERENCE REPORT

SUBJECT: NHDOT Natural Resource Agency Coordination Meeting

DATE OF CONFERENCE: December 14, 2005

LOCATION OF CONFERENCE: John O. Morton Building

ATTENDED BY:

NHDOT

Mark Hemmerlein
Charles Hood
Robert Decker
Craig Drouin
Bill Hauser
Kevin Nyhan
Chris Wazczuk
Cathy Goodman
Marc Laurin

**Federal Highway
Administration**

Bill O'Donnell

**NH Fish and Game
Department**

Bill Ingham

USACE

Rich Roach

EPA

Mark Kern

DES

Gino Infascelli
Lori Sommer
Carolyn Russell

State Senators

Chuck Morse
Martha Fuller-Clark

Coastal Program

Chris Williams

VHB

Jake Tinus

TNC

Mark Zankel
David Moffat

**Strafford Rivers
Conservancy**

Anna Boudreau

City of Dover

Steve Bird

Edwards-Kelcey

Steve Halloran

NOTES ON CONFERENCE:

Peterborough, 14006

1. Steve Halloran presented a general overview of the above referenced project, including description of existing site features and proposed concept for replacement of the existing bridge.

Project Description: The existing bridge consists of a concrete jack-arch type superstructure supported by concrete faced stone masonry abutments. The work involves removal of the existing superstructure, removal of the top portion of existing abutments, construction of new reinforced concrete abutments set back behind existing abutments, construction of new wingwalls on the downstream side and construction of a new precast concrete butted deck beam structure.

2. Steve Halloran identified 3 main changes in the project since the Concept Design plan was presented at the Natural Resource Agency Meeting in 2003. (1.) The current proposed design includes the construction of new abutments set back behind existing, with a small top portion of the existing abutments removed. (2.) The proposed roadway profile has been adjusted to minimize wetland impacts at the abutments. (3.) The requirement of concrete pavement or stone fill in the entire streambed below the bridge to protect the existing abutments has been removed from the project scope.

3. After the project overview presentation, a question was posed regarding the possibility of providing a terraced area beneath the bridge to allow for ease of critter passage from one side of the road to the other. Steve Halloran pointed out that there is a dam spillway immediately upstream from the bridge that extends from abutment to abutment. This dam already precludes the possibility for critter passage. There was additional comment that Gulf Road in Peterborough is a very rural environment, and that this bridge project doesn't present a change from existing conditions relative to critter passage.

4. Another question was raised as to the proximity of the other bridge on Gulf Road that was just rebuilt. Steve Halloran identified that it is located approximately 200-300 ft. to the west (downstream on Otter Brook) of the beginning of the current project.

5. Another question was raised as to whether the owner of the dam could lower the water level in the pond upstream, and reduce or eliminate flow beneath the bridge during construction. Steve Halloran stated that possibility would be considered.

Plaistow-Kingston, MGS-STP-T-X-5375(010), 10044B

This project involves the reconstruction of NH Route 125. The discussion focused around partnering with the Nature Conservancy (TNC) and the Town to preserve land in Kingston along the Powwow River rather than purchasing the proposed buffer along Bayberry Pond in Kingston. C. Waszczuk briefly described the mitigation package consisting of: the acquisition of a 43.8 acre property in Plaistow within the Kelley Brook watershed and adjacent to existing conservation lands; the acquisition in Kingston of 14.7 acres (Sullivan properties) for the restoration of approximately 3 acres of wetlands and preservation of the remaining 12 acres as a buffer to Bayberry Pond, and; participating in the acquisition of 22.3 acres of the Nichols property, located along the Powwow River in Kingston, rather than the acquisition of ± 40 acres (primarily wetlands) of preservation land adjacent to Bayberry Pond in Kingston. The parcel would be owned by the town and TNC would hold the conservation easement. The Department would hold an executory easement on the property.

M. Laurin handed out a package showing the location of the Nichols property and briefly summarized the values of the property, which is a largely undeveloped and diverse forested river system. The Powwow River has been recognized as a significant natural resource area by the NH Natural Heritage Bureau and presently there are some important tracts of land in the area already protected through the Land Conservation Investment Program (LCIP) program, and other public and private initiatives. The property contains important ecological features and resource values for fish and wildlife including: ± 400 feet of frontage along the Powwow River; portions of two Atlantic white cedar basin swamps; streamside fens, and; mature hemlock-oak-pine forest that provides important upland buffers to the river. The property directly abuts an existing 78 acre conservation property, and due to its location between Powwow and Country Ponds, it is an integral part of the ecosystem of the 350 acre Powwow River Conservation Area. The Nichols property is currently threatened by subdivision and development.

R. Rouillard stated that LCHIP considers the Nichols parcel a valued resource and the Departments plan to fulfill shortfall on funding will ensure the acquisition of this resource. M. Zankel from TNC stated that they have been negotiating on the parcel for several years, and the Departments input would assure that this valuable property would be preserved. As it is surrounded by other protected land, L. Sommer stated that the Nichols property had higher conservation value than the Bayberry Pond area and fully supports the Department's participation in acquiring the site. M. Kern agreed and also stated that there was less development pressure on the Bayberry area as it was mostly wetlands. R. Roach also thought it was a good opportunity and wanted to assure that public access

would be available. M. Zankel stated that there would not be any restrictions, except for ATV's on the property. R. Roach commented that this change needs to be documented for the Corps permit. The EA will be amended to include these changes.

Senators Morse and Clark praised the cooperative process that occurred in identifying and securing this resource. A general discussion of how LCHIP may be used by the Department to work out priority sites and evaluate potential preservation areas ensued. It was concluded that LCHIP would be invited to the Department's Natural Resource Agency meetings on a regular basis to solicit their input on future projects.

Newington-Dover - NHS-027-1(37), 11238

This meeting was held to brief state and federal resource agencies on a natural resource assessment and site walk conducted on December 10, 2005 of the Tuttle Farm located on Dover Point Road in Dover, NH. The property is being considered for possible preservation to compensate for wetland impacts from the Spaulding Turnpike Improvements project. After a brief overview of the current status of the compensatory mitigation package by Chris Waszczuk, Jacob Tinus described his review and assessment of the Tuttle Farm property. Distributed handouts included a summary of the Tuttle Farm assessment and an ortho-photo based figure depicting a 300-scale and 1000-scale view of the property. Meeting attendees were given the opportunity to comment on the proposed mitigation property.

Mitigation Package Overview:

Chris Waszczuk summarized wetland impacts from the project as consisting of about 19 acres total, with 6 acres in Dover and 13 acres in Newington. The current package in Dover includes 40 to 50 acres of preservation along Blackwater Brook, with potential additional preservation area along the Bellamy River. Chris explained that, now, the Tuttle Farm is also being considered by NHDOT as the City of Dover and the Strafford Rivers Conservancy (SRC) have cooperated in securing Purchase and Sales Agreements with the owners of the Tuttle Farm. Anna Boudreau explained that the Tuttle Farm had recently been appraised for \$3.3 million and that a Purchase and Sales Agreement was signed with the Tuttle family on October 21st. Further, the City of Dover will be voting on the expenditure of \$1.5 million to purchase development rights on a 64-acre portion of the property. Chris Waszczuk asked that SRC was hoping to use a combination of funds from LCHIP, NHDOT and other sources to fund protection of the remaining 70 + acres of land. Chris then introduced Jake Tinus to describe the findings of a recent site assessment/walkover of the Tuttle Farm property with Bill Tuttle (property owner), Marcia Colbath (City of Dover), and Kevin McEneaney.

Tuttle Farm Description:

Jake provided an overview of the Tuttle Farm property pointing out the following attributes:

- Approximately 140 acres between Bellamy River and Salmon Falls/Piscataqua River, more specifically between the Spaulding Turnpike and Dover Point Road
- America's oldest family farm, established in 1632, 11th generation actively farming today
- Property consists of 60% forest and 40% open/agricultural land, with approximately 25% wetland and 75% upland, wetlands are largely intact

- Types of wetlands (emergent marsh and forested) are similar to those along the Spaulding Turnpike that are impacted by the project
- Functions of wetlands include toxicant removal, nutrient uptake, floodflow alteration, and wildlife habitat
- Actively farmed fields with row crops drain toward Bellamy River and Varney Brook via drainageways or intermittent streams
- Remaining portions consist of forest in various growth stages, portions logged cyclically for soft and hard wood, overgrown fields and shrub thickets providing a variety of habitat
- Common wildlife includes deer, turkey, geese and duck
- Entire site is mapped as important or prime farmland

Jake concluded by saying that preservation of the Tuttle Farm would protect important aquatic resources and a variety of habitats within the Bellamy River watershed. He indicated that the aspect of greatest concern to the City of Dover is that the property is under imminent threat of development and therefore the City has indicated that this is their highest priority for preservation.

Comments/Questions

Bill Ingham asked whether purchase of development rights on the Tuttle Farm property would replace conservation of the Blackwater Brook area as previously proposed. Chris Waszczuk indicated that the exact mix of the mitigation proposal is still up for discussion and that the final package and the amount of land preserved in both areas is dependent on the funding sources that will be pooled and limitations of NHDOT funding.

Bill Ingham asked whether Varney Brook is a tidally-influenced stream. Jake indicated that it is and pointed to the approximate location on the aerial photograph where the tidal influence in the stream ceases. Jake also reminded attendees that NHDOT had previously considered restoration of Varney Brook (culvert upgrades and invasive species removal). Chris Waszczuk added that this potential restoration opportunity has been dismissed as it represents little “ecological gain” compared to the costs involved for restoration.

Mark Kern commented that the Tuttle Farm is a nice site, but it seems difficult to compare it in ecological terms to other areas suggested for mitigation, i.e. Blackwater Brook which is more connected to other areas being conserved. He asked that more information be provided on the ecological value of the property.

Chris Waszczuk reiterated to the group that the Tuttle Farm property has one willing owner and has been identified by the City of Dover as a top priority for preservation.

Steve Bird agreed with Chris and said that while the properties in the area of Blackwater Brook are important, the Tuttle Farm is under much greater threat of development. In fact certain small portions of the farm were already sold and developed by the owner. Steve also pointed out that in comparison with the Blackwater Brook area which has multiple land owners the Tuttle Farm has one willing landowner making it inherently easier to forge an agreement for conservation.

Lori Sommer questioned whether Tom Fargo had been contacted as he has been a major supporter of protection of properties within the Blackwater Brook watershed. Lori also wondered why the Tuttle Farm is just now being considered.

With regard to Tom Fargo’s involvement, Steve Bird explained that Tom fully supports the purchase of the farm due to the imminent threat of development. Anna Boudreau and Steve explained the City of Dover and Strafford Rivers Conservancy were bound by a confidentiality agreement with the property owner prior to signing of the Purchase and Sales Agreement in late October, 2005.

Lori Sommer asked about the time frame of the Purchase and Sales Agreement and which portions of the property would be preserved by the \$1.5 million that the City of Dover has indicated its willingness to spend. Anna Boudreau explained that \$1.5 million had to be raised by June 2006 and the remaining portion (\$1.8 million) by October 2007. Steve Bird added that the final disposition of the property, i.e. which parcels would be protected when, would be worked out at a later date. This is largely dependent on the funding partnerships that would be worked out for the balance of the property (after the City's contribution).

Lori Sommer asked whether the Tuttle Farm contains any endangered or threatened species and whether NH Natural Heritage Bureau had been contacted. Jake indicated that NH NHB had not been contacted. He also stated that only common species were observed during walkovers of the site.

Senator Morris suggested that the property represents a good example on how the State could leverage a pool of monies, i.e. LCHIP, City of Dover, conservation agencies, to protect an important resource. Because of this cooperation, a lot more could be preserved collectively.

Senator Fuller stated that the Tuttle Farm is beloved by the public and that many people outside of the immediate area know about the farm and they support the farm stand. Further, protection of the farm represents a good public relations opportunity for the State and will help prevent additional loss of open space which is occurring over time.

Rich Roach commented that the property has many attributes that are favorable with regard to compensatory mitigation, i.e. it is in close proximity to impacts, has usage by wildlife, has important farmland soils, etc. Rich emphasized that NHDOT "needs to move on it". Further, he suggested that the property should be described from a watershed perspective and that it represents an opportunity for appropriate mitigation for long term impacts within the watershed, specifically, preservation of the farm would prevent additional impervious surface area from affecting the aquatic resource.

Chris Williams agreed that the property represents a rare opportunity to protect a large property by leveraging various funding sources.

Mark Kern indicated that he would like to see an evaluation of the property with regard to water quality. He asked whether there was an opportunity for restoration in the rear portion of the property nearer the stream.

Chris Waszczuk said that NHDOT had looked at restoration in Dover, but the strategy that emerged is largely preservation-based. Restoration opportunities are proposed as a component of the Newington portion of the mitigation package.

Anna Boudreau indicated that although the intent is to protect the whole Tuttle Farm property, the owner is very concerned about unlimited access to it. She explained that in the past there has been trespassing by hunters, fishermen, and ATV riders. Also, because the owner wants to maintain farming on his property and because of trespassing issues, he wants access by the public limited, not expanded.

Lori Sommer offered insight into a protection strategy for the Tuttle Farm by suggesting that NHDOT look at examples that exist in the Concord area. These include the Diamond Hill and Carter Hill Farms, both of which may fall under farmland protection programs.

Bill O'Donnell asked whether NHDOT would be holding an established conservation easement on the property.

Anna Boudreau stated that the property would be held under private ownership by a Land Trust and that the Strafford Rivers Conservancy was looking to NHDOT to assist monetarily with the project. Lori Sommer asked what would happen to the property and the mitigation package should NHDOT not be able to contribute to protection of the farm for some reason. She asked if NHDOT would have to revise its mitigation package.

Bill O'Donnell suggested that NHDOT focus on protecting the "best parts" of the property just in case the scenario that Lori mentioned played out.

Rich Roach indicated that he would like to see the streams and wetlands assessed on the property, with an agreement that these areas would be protected.

Chris Waszczuk stated that should NHDOT not be able to protect the Tuttle Farm because of timing, funding or other issues, it would return to the Blackwater Brook properties as a primary component of the mitigation package. However, right now, NHDOT would like to focus on the Tuttle Farm as the priority property in the package, with Blackwater Brook the "fall back option".

Steve Bird explained that a likely strategy would be to protect the property in phases through conservation easements, with the areas of the property that have the most important resources being protected first. This would be worked into a strategy of leveraging monies from the various sources.

Bill O'Donnell asked how the mitigation package would be described in the EIS.

Chris Waszczuk stated that the focus in Dover would be on the Tuttle Farm first, but the other components previously described for Dover (Blackwater Brook and Bellamy River) would still be included and described.

With no further comments from meeting participants, Chris asked whether there was agreement that the Tuttle Farm was a worthy and valid property to be included in the mitigation package. Attendees voiced agreement that it was.

Keene-Milford, X-A000(061),13856

This project involves guardrail replacement along NH Route 101 from Keene, east 33 miles to Milford. Impacts will be incurred to jurisdictional areas in Keene and Peterborough and are associated with the elimination of paved sluices and the construction of catch basins, drop inlets and slope pipes. Pipe outlets will be within the bank of the Branch River in Keene and within the bank of an unnamed stream in Peterborough. The outlets will be as high up on the banks as possible, but depend on site characteristics. Total impacts will be minimal. Gino Infascelli requested that when the permit is applied for, the cover letter detail the elimination of the sluices and installation of the pipes. The project will improve the situation. Rich Roach stated that the project qualifies for the State Programmatic General Permit.

Bow-Concord, T-A000(018), 13742

This project involves planning and reconstruction of I-93 through Concord. Bill Hauser presented an update, which included:

- Combining the ATF and CATF into one body
- Adding new members to the Stakeholders (i.e. Tourism) &
- Indicated the traffic model was now complete.

He also indicated there would a stakeholders meeting on 2/1/2006 that would refine the problem statement and craft a vision statement for the project area more in line with the Context Sensitive Solutions approach the Department has adopted.

Hillsborough-Henniker X-A000(387),14447

This Federal resurfacing project on NH Route 9/US 202 extends from the Village of Hillsborough east to Rush Road in Henniker. The project may include repairs to drainage structures and bridges. C. Goodmen presented the project that includes putting a concrete liner on the bottom of 2 -6 foot

corrugated metal pipes that are rusting out. R Roach noted this is exempt from ACOE jurisdiction because it is road rehabilitation. C goodmen stated she would send a permit application to DES soon.